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HOUSE BILL 400

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO MOTOR VEHICLES; MANDATING THE MOTOR TRANSPORTATION DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY TO IMPOSE AN ADMINISTRATIVE FEE FOR PERMITS ISSUED PURSUANT TO THE TRIP TAX, PERMITS FOR TRANSPORTING VEHICLES AND PERMITS FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-15-3.1 NMSA 1978 (being Laws 1943, Chapter 125, Section 12, as amended) is amended to read:

"7-15-3.1. TRIP TAX--COMPUTATION. --

A. For the purpose of providing funds for the construction, maintenance, repair and reconstruction of this state's public highways, a use fee, to be known as the "trip tax", is imposed in lieu of registration fees and the weight

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1 distance tax on the registrant, owner or operator of any
2 foreign-based commercial motor carrier vehicle that is:

3 (1) not registered in this state under
4 interstate registration;

5 (2) not registered in this state under
6 proportional registration;

7 (3) not subject to a valid reciprocity
8 agreement;

9 (4) not registered as a foreign commercial
10 motor carrier vehicle under short-term registration;

11 (5) not registered under an allocation of
12 one-way rental fleet vehicles; and

13 (6) not exempted from registration and the
14 payment of any registration fees and not exempted from the
15 payment of the trip tax under Section 65-5-3 NMSA 1978.

16 B. Except as provided otherwise in Subsections C
17 and D of this section, the trip tax shall be computed as
18 follows:

19 (1) when the gross vehicle weight or
20 combination gross vehicle weight exceeds twelve thousand pounds
21 but does not exceed twenty-six thousand pounds, five cents
22 (\$.05) a mile for mileage to be traveled on the public highways
23 within New Mexico, measured from the point of entering the
24 state to the point of destination or place of leaving the
25 state;

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1 (2) when the gross vehicle weight or
2 combination gross vehicle weight exceeds twenty-six thousand
3 pounds and does not exceed fifty-four thousand pounds, nine
4 cents (\$.09) a mile for mileage to be traveled on the public
5 highways within New Mexico, measured from the point of entering
6 the state to the point of destination or place of leaving the
7 state;

8 (3) when the gross vehicle weight or
9 combination gross vehicle weight exceeds fifty-four thousand
10 pounds and does not exceed seventy-two thousand pounds, eleven
11 cents (\$.11) a mile for mileage to be traveled on the public
12 highways within New Mexico, measured from the point of entering
13 the state to the point of destination or place of leaving the
14 state; and

15 (4) when the gross vehicle weight or
16 combination gross vehicle weight exceeds seventy-two thousand
17 pounds, twelve cents (\$.12) a mile for mileage to be traveled
18 on the public highways within New Mexico, measured from the
19 point of entering the state to the point of destination or
20 place of leaving the state.

21 C. The department, by regulation, shall establish a
22 procedure for the issuance of prepaid trip permits for:

23 (1) trips by a single vehicle or a fleet of
24 vehicles for the purpose of:

25 (a) custom harvesting operations; or

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(b) the transportation of goods or passengers between the state and Mexico; or

(2) any vehicle that is unable to declare at the time of entering the state the point of destination or place of leaving the state.

D. Prepaid trip permits established pursuant to Subsection C of this section shall be sold in increments of no less than fifty dollars (\$50.00). Any portion not used prior to one year from the date of issuance shall not be refundable. Prepaid trip permits shall not be transferable between a registrant, owner or operator and another registrant, owner or operator. Charges against the prepaid trip permit shall be based on the computations specified in Subsection B of this section.

E. An administrative fee of one dollar (\$1.00) is imposed for each permit issued by the motor transportation division of the department pursuant to Subsections C and D of this section. The division shall collect the fee.

F. One-half of the administrative fee collected pursuant to Subsection E of this section is appropriated to the motor transportation division of the department for the implementation, operation and maintenance of the New Mexico commercial vehicle information system and network. The balance of the fee shall be deposited in the state road fund."

Section 2. Section 66-3-302 NMSA 1978 (being Laws 1978, . 144001. 1

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1 Chapter 35, Section 78, as amended) is amended to read:

2 "66-3-302. [~~CARAVAN TAX~~] SPECIAL PERMITS FOR TRANSPORTING
3 VEHICLES. --

4 A. [~~No~~] A person [~~or any employee, agent or~~
5 ~~representative of the person~~] shall not use [~~the highways of~~
6 ~~New Mexico~~] a highway of this state for the transportation of
7 [~~any~~] a vehicle [~~regardless of whether the vehicle is~~
8 ~~registered in another state or whether the vehicle is~~
9 ~~transported on its own wheels or on another vehicle or by being~~
10 ~~drawn or towed behind another~~] if the vehicle is transported by
11 [~~any~~] a person [~~or the agents or employees of that person~~]
12 engaged in the business of transporting vehicles or if the
13 [~~vehicles are~~] vehicle is being transported for the purpose of
14 delivery to any purchaser of the [~~vehicles~~] vehicle on a sale
15 or contract of sale previously made, unless the vehicle
16 carries:

17 (1) a valid New Mexico registration plate;

18 (2) a valid dealer's plate issued by the
19 department;

20 (3) a special permit for the use of the
21 highways of this state for the transportation of the vehicle in
22 the manner in which the vehicle is being transported, which has
23 first been obtained and the fee paid as specified in this
24 section; or

25 (4) a valid temporary transportation permit

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1 issued under Subsection B of Section 66-3-6 NMSA 1978.

2 B. Special permits for the use of ~~[the highways]~~ a
3 highway of this state for the transportation of ~~[such]~~ vehicles
4 described in Subsection A of this section shall be issued by
5 the motor transportation division of the department of public
6 safety upon application on the form prescribed by the
7 ~~[department]~~ motor transportation division and upon payment of
8 a fee of seven dollars fifty cents (\$7.50) for each vehicle
9 transported by use of its own power and a fee of five dollars
10 (\$5.00) for each vehicle carried in or on another vehicle or
11 towed or drawn by another vehicle and not transported in whole
12 or in part by the use of its own power. ~~[Every]~~ The permit
13 shall show upon its face the registration number assigned to
14 each vehicle, the name and address of the owner, the manner of
15 transportation authorized and a description of the vehicle
16 registered, including the engine number. The permit shall be
17 carried at all times by the person in charge of the vehicle. A
18 suitable tag or placard for each vehicle may be issued by the
19 ~~[department]~~ motor transportation division and ~~[if issued]~~
20 shall be at all times displayed on each vehicle being
21 transported. No ~~[such]~~ permit, tag or placard shall be used
22 upon or in connection with the transportation of ~~[any]~~ a
23 vehicle other than the one for which the permit, tag or placard
24 is issued.

25 C. ~~[This tax shall not apply to]~~ A special permit

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1 shall not be required for the transportation of [vehicles] a
2 vehicle carried on another vehicle for the operation of which a
3 weight distance tax is paid, [~~nor shall~~] and the vehicle
4 transported [~~be~~] is not required to carry a registration plate
5 or temporary transportation [~~permits~~] permit. The motor
6 transportation division [~~of the department~~] and the New Mexico
7 state police are authorized to impound any vehicle transported
8 in violation of the Motor Transportation Act until a proper
9 permit has been secured and any fine levied has been paid.

10 D. An administrative fee of one dollar (\$1.00) is
11 imposed for each permit issued by the motor transportation
12 division pursuant to Subsection B of this section. The
13 division shall collect the fee.

14 E. One-half of the administrative fee collected
15 pursuant to Subsection D of this section is appropriated to the
16 motor transportation division for the implementation, operation
17 and maintenance of the New Mexico commercial vehicle
18 information system and network. The balance of the fee shall
19 be deposited in the state road fund."

20 Section 3. Section 66-7-413 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 484, as amended) is amended to read:

22 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
23 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

24 A. The motor transportation division of the
25 department of public safety and local [~~highway~~] authorities

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1 may, in their discretion, upon application in writing and good
2 cause being shown, issue a special permit in writing
3 authorizing the applicant to operate or move a vehicle or load
4 of a size or weight exceeding the maximum specified in Sections
5 66-7-401 through 66-7-416 NMSA 1978 on any highway under the
6 jurisdiction of the state [~~highway~~] transportation commission
7 or local authorities. Except for the movement of manufactured
8 homes, a permit may be granted, in cases of emergency, for the
9 transportation of loads on a certain unit or combination of
10 equipment for a specified period of time not to exceed one
11 year, and the permit shall contain the route to be traversed,
12 the type of load to be transported and any other restrictions
13 or conditions deemed necessary by the body granting the permit.
14 In every other case, the permit shall be issued for a single
15 trip and may designate the route to be traversed and contain
16 any other restrictions or conditions deemed necessary by the
17 body granting the permit. Every permit shall be carried in the
18 vehicle to which it refers and shall be [~~opened~~] open for
19 inspection to any peace officer. It is a misdemeanor for any
20 person to violate any of the conditions or terms of the special
21 permit.

22 B. The [~~department~~] motor transportation division
23 shall charge and collect, when the movement consists of [~~any~~] a
24 load of a width of twenty feet or greater for a distance of
25 five miles or more, the sum of three hundred dollars (\$300) a

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1 day or fraction thereof to defray the cost of state or local
2 police escort. The permit issued and the fee charged shall be
3 based upon the entire movement at one time requiring police
4 escort and not upon the number of vehicles involved.

5 C. The [~~department~~] motor transportation division
6 shall promulgate regulations in accordance with the State Rules
7 Act pertaining to safety practices, liability insurance and
8 equipment for escort vehicles provided by the motor carrier
9 himself and for escort vehicles provided by a private business
10 in this state.

11 (1) If a motor carrier provides his own escort
12 vehicles and personnel, the [~~department~~] motor transportation
13 division shall not charge an escort fee but shall provide the
14 motor carrier escort personnel with a copy of applicable
15 regulations and shall inspect the escort vehicles for the
16 safety equipment required by the regulations. If the escort
17 vehicles and personnel meet the requirements set forth in the
18 regulations and if the motor carrier holds a valid certificate
19 of public convenience and necessity or permit, as applicable,
20 issued pursuant to Chapter 65, Article 2 NMSA 1978, the
21 [~~department~~] motor transportation division shall issue the
22 special permit.

23 (2) If the escort service is a private
24 business, the business shall have applied to the [~~state~~
25 ~~corporation~~] public regulation commission for and been issued a

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1 permit or certificate to operate as a contract or common motor
2 carrier pursuant to Chapter 65, Article 2 NMSA 1978. The
3 [~~state corporation~~] public regulation commission shall supply
4 copies of applicable regulations to the business by mail and
5 shall supply additional copies upon request. If the escort
6 vehicles and personnel meet the requirements set forth in the
7 regulations and if the escort service holds a certificate, the
8 special permit shall be issued and the [~~department~~] motor
9 transportation division shall not charge an escort fee.

10 (3) The movement of vehicles upon the highways
11 of this state requiring a special permit and required to use an
12 escort of the type noted in Paragraphs (1) and (2) of this
13 subsection is subject to [~~department~~] motor transportation
14 division authority and inspection at all times.

15 (4) The state highway and transportation
16 department shall conduct engineering investigations and
17 engineering inspections to determine which four-lane highways
18 are safe for the operation or movement of manufactured homes
19 without an escort. After making that determination, the state
20 highway and transportation department shall hold public
21 hearings in the area of the state affected by the
22 determination, after which it may adopt regulations designating
23 those four-lane highways as being safe for the operation or
24 movement of manufactured homes without an escort. If any
25 portion of such a four-lane highway lies within the boundaries

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1 of a municipality, the state highway and transportation
2 department, after obtaining the approval of the municipal
3 governing body, shall include such portions in its regulations.

4 D. Except for the movement of manufactured homes, a
5 special ~~[permits]~~ permit may be issued for a single vehicle or
6 combination of vehicles by the ~~[department]~~ motor
7 transportation division for a period not to exceed one year for
8 a fee of sixty dollars (\$60.00). The ~~permits~~ may allow
9 excessive height, length and width for a vehicle or combination
10 of vehicles or load thereon and may include a provision for
11 excessive weight if the operation is to be within the vicinity
12 of a municipality.

13 E. Special permits for a single trip for a vehicle
14 or combination of vehicles or load thereon of excessive weight,
15 width, length and height may be issued by the motor
16 transportation division for a single vehicle for a fee of
17 fifteen dollars (\$15.00).

18 F. If the vehicle for which a permit is issued
19 under this section is a manufactured home, the ~~[department]~~
20 motor transportation division or local ~~[highway]~~ authority
21 issuing the permit shall furnish the following information to
22 the property tax division of the department, which shall then
23 forward the information:

24 (1) to the county assessor of any county from
25 which a manufactured home is being moved, the date the permit

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1 was issued, the location being moved from, the location being
2 moved to if within the same county, the name of the owner of
3 the manufactured home and the identification and registration
4 numbers of the manufactured home;

5 (2) to the county assessor of any county in
6 this state to which a manufactured home is being moved, the
7 date the permit was issued, the location being moved from, the
8 location being moved to, the name of the owner of the
9 manufactured home and the [~~registration and~~] identification and
10 registration numbers of the manufactured home; and

11 (3) to the owner of a manufactured home having
12 a destination in this state, notification that the information
13 required in Paragraphs (1) and (2) of this subsection is being
14 given to the respective county assessors and that manufactured
15 homes are subject to property taxation.

16 G. Except as provided in Subsection H of this
17 section, if the movement of a manufactured home originates in
18 this state, no permit shall be issued under Subsection F of
19 this section until the owner of the manufactured home or his
20 authorized agent obtains and presents to the [~~department~~] motor
21 transportation division proof that a certificate has been
22 issued by the county assessor or treasurer of the county in
23 which the manufactured home movement originates showing that
24 either:

25 (1) all property taxes due or to become due on

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1 the manufactured home for the current tax year or any past tax
2 years have been paid, except for manufactured homes located on
3 an Indian reservation; or

4 (2) no liability for property taxes on the
5 manufactured home exists for the current tax year or any past
6 tax years, except for manufactured homes located on an Indian
7 reservation.

8 H. The movement of a manufactured home from the lot
9 or business location of a manufactured home dealer to its
10 destination designated by an owner-purchaser is not subject to
11 the requirements of Subsection G of this section if the
12 manufactured home movement originates from the lot or business
13 location of the dealer and the manufactured home was part of
14 his inventory prior to the sale to the owner-purchaser;
15 however, the movement of a manufactured home by a dealer or his
16 authorized agent as a result of a sale or trade-in from a
17 nondealer-owner is subject to the requirements of Subsection G
18 of this section whether the destination is the business
19 location of a dealer or some other destination.

20 I. No permit shall be issued under this section for
21 movement of a manufactured home whose width exceeds eighteen
22 feet with no more than a six-inch roof overhang on the left
23 side or twelve inches on the right side in addition to the
24 eighteen-foot width of the manufactured home. Manufactured
25 homes exceeding the limitations of this section shall only be

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1 moved on dollies placed on the front and the rear of the
2 structure.

3 J. The [~~secretary~~] motor transportation division
4 may by regulation provide for movers of manufactured homes to
5 self-issue permits for certain sizes of manufactured homes over
6 specific routes; however, in no case may the cost of each
7 permit be less than fifteen dollars (\$15.00).

8 K. The [~~secretary~~] motor transportation division
9 may provide by regulation for dealers of implements of
10 husbandry to self-issue permits for the movement of certain
11 sizes of implements of husbandry from the lot or business
12 location of the dealer over specific routes with specific
13 escort requirements, if necessary, to a destination designated
14 by an owner-purchaser or for purposes of a working
15 demonstration on the property of a proposed owner-purchaser.
16 The [~~department~~] motor transportation division shall charge a
17 fee for each self-issued permit not to exceed fifteen dollars
18 (\$15.00).

19 L. Any private motor carrier requesting an oversize
20 or overweight permit shall provide proof of insurance in at
21 least the following amounts:

22 (1) bodily injury liability, providing:

23 (a) fifty thousand dollars (\$50,000) for
24 each person; and

25 (b) one hundred thousand dollars

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1 (\$100,000) for each accident; and

2 (2) property damage liability, providing
3 twenty-five thousand dollars (\$25,000) for each accident.

4 M Any common motor carrier requesting an oversize
5 permit shall produce a copy of a form "e" or other acceptable
6 evidence that the common motor carrier maintains the insurance
7 minimums prescribed by the [~~state corporation~~] public
8 regulation commission.

9 N. An administrative fee of one dollar (\$1.00) is
10 imposed for each permit issued by the motor transportation
11 division pursuant to Subsections B, C, D, E, J and K of this
12 section. The division shall collect the fee.

13 O. One-half of the administrative fee collected
14 pursuant to Subsection N of this section is appropriated to the
15 motor transportation division for the implementation, operation
16 and maintenance of the New Mexico commercial vehicle
17 information system and network. The balance of the fee shall
18 be deposited in the state road fund."

19 Section 4. EFFECTIVE DATE. --The effective date of the
20 provisions of this act is July 1, 2003.